

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:

23ANDME HOLDING CO., *et al.*,¹

Debtors.

Chapter 11

Case No. 25-40976

(Jointly Administered)

Response Due: April 29, 2025
Hearing Date: April 29, 2025
Hearing Time: 1:30p.m. (CST)
Hearing Location: Courtroom 5 North

**MOTION TO EXPEDITE HEARING ON MOTION FOR ORDER
APPOINTING A CONSUMER PRIVACY OMBUDSMAN UNDER
11 U.S.C. §§ 105(a), 332, AND 363(b)(1) AND NOTICE OF HEARING
[Relates to D.E. 181]**

WARNING: THIS NOTICE OF HEARING AND MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE BY APRIL 29, 2025. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. THE DATE IS SET OUT ABOVE. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.

The State of Texas, acting by and through the Office of the Texas Attorney General (“Texas”), hereby moves this Court, pursuant to section 105(a) pursuant to section 105(a) of title 11 of the United States Code (the “Bankruptcy Code”), Rule 9006(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 9013-2(A) of the Local Rules of Bankruptcy Procedure for the

¹ A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors’ proposed claims and noticing agent at <https://restructuring.ra.kroll.com/23andMe>. The Debtors’ service address for purposes of these chapter 11 cases is: 870 Market Street, Room 415, San Francisco, CA 94102.

United States Bankruptcy Court for the Eastern District of Missouri (the “Local Bankruptcy Rules”), for an order scheduling an expedited hearing on Texas’ *Motion for Order Appointing a Consumer Privacy Ombudsman under 11 U.S.C. §§ 105(a), 332, and 363(b)(1) and Notice of Hearing* [D.E. 181] (the “CPO Motion”).² In support hereof, Texas respectfully, states as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction to consider this motion pursuant to 28 U.S.C. §§ 157 and 1334 and rule 9.01(B) of the Local Rules of the United States District Court for the Eastern District of Missouri. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).

2. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The bases for the relief requested herein are sections 105(a) of the Bankruptcy Code, Bankruptcy Rule 9006(c), and Local Bankruptcy Rule 9013-2(A).

II. GROUNDS FOR RELIEF

4. Texas seeks to have the CPO Motion heard on an expedited basis due to the abbreviated sales timeline proposed by the Debtors in the Bid Procedures Motion and so that the CPO Motion may be heard at the same time as the *Debtors’ Motion for Entry of an Order (I) Appointing an Independent Customer Data Representative and (II) Granting Related Relief* [D.E. 169] (the “Debtors’ Motion”), which is currently scheduled for hearing on April 29, 2025 at 1:30p.m. CDT.

III. LEGAL STANDARDS, AUTHORITY, AND ARGUMENT IN SUPPORT

5. Section 105(a) of the Bankruptcy Code authorizes this Court to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of [the Bankruptcy Code].” Bankruptcy Rule 9006(c) also provides that the Court, for cause shown, may in its discretion reduce the notice period normally required for motions. Local Bankruptcy Rule 9013-2(A) allows a hearing to be scheduled on an expedited basis “by written motion, setting forth the reason the matter

² Capitalized terms not defined herein have the meanings ascribed to them in the CPO Motion.

should be considered on an expedited . . . basis.”

6. As described in more detail in the CPO Motion, the appointment of a CPO and the relief requested in the CPO Motion is necessary as the Debtors’ proposed sales timeline currently provides for a bid deadline of May 7, 2025, an auction on May 14, 2025, if necessary, the filing of a notice identifying sale assets and key terms by May 16, 2025, and a sale hearing on June 17, 2025. See D.E. 125. Additionally, considering the CPO Motion at the same hearing as the Debtors’ Motion would allow for a unified discussion and resolution, streamlining proceedings, conserving judicial resources, and reducing burdens on creditors and other interested parties.

7. Accordingly, Texas requests that the CPO Motion be heard on **April 29, 2025 at 1:30p.m. (CST).**

IV. **NOTICE**

8. This motion, the CPO Motion, and notice thereof will be served in accordance with this Court’s *Interim Order (I) Establishing Certain Notice, Case Management, and Administrative Procedures and (II) Granting Related Relief* [D.E. 131], Bankruptcy Rule 2002, and Local Bankruptcy Rule 9013-3, as applicable.

V. **CONCLUSION**

9. WHEREFORE, Texas respectfully requests that the Court enter an Order granting the relief requested herein and any such other and further relief as the Court may deem just and proper.

[Remainder of page left intentionally blank. Signature page follows.]

Dated: April 9, 2025

Respectfully submitted,

KEN PAXTON
Attorney General

BRENT WEBSTER
First Assistant Attorney General

RALPH MOLINA
Deputy First Assistant Attorney General

AUSTIN KINGHORN
Deputy Attorney General for Civil Litigation

RACHEL R. OBALDO
Chief for Bankruptcy & Collections Division

/s/ Roma N. Desai

LAYLA D. MILLIGAN
Texas State Bar No. 24026015

ROMA N. DESAI
Texas State Bar No. 24095553

STEPHANIE EBERHARDT
Texas State Bar No. 24084728
Office of the Attorney General of Texas
Bankruptcy & Collections Division
P. O. Box 12548

Austin, Texas 78711-2548
Telephone: (512) 463-2173
Facsimile: (512) 936-1409
layla.milligan@oag.texas.gov
roma.desai@oag.texas.gov
stephanie.eberhardt@oag.texas.gov

ATTORNEYS FOR THE STATE OF TEXAS

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was filed electronically on the 9th day of April 2025, with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

/s/ Roma N. Desai

ROMA N. DESAI

Assistant Attorney General